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THE MYSORE GAZETTE.

No. 25

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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PART I.

Notifications by the Chief Commissioner of Mysore.

GENERAL.

NOTIFICATIONS.

No. 91.

The 19th June 1874.

Mr. D. E. Hutchins, Assistant Conservator of Forests, is granted nine days' privilege leave in extension of the one month's examination leave granted him in Notification No. 43 of the 15th May 1874.

No. 92.

The 19th June 1874.

There being reason to apprehend that the benefits provided by the Registration Act are not properly understood, especially by people living at a distance from towns, the Chief Commissioner directs the publication of the following Memo on the subject for general information.

MEMO.

1. It was pointed out in the Chief Commissioner's Notification, dated 17th December 1865, that the main object of the Registration Law was to check perjury and forgery in connection with civil suits, and that under its operation the institution of suits founded on false claims and supported by false witnesses or forged documents, would, as regards immovable property of the value of Rs. 100 and upwards, be rendered almost impossible, as instruments relating to such property could not be received in evidence unless registered.

2. The Act prescribes (Section 49) that *all* documents relating to immovable property of 100 Rs. value and upwards must be registered, and if they are not they can in no way affect such property, and are legally inoperative. This remark applies also to instruments of gift of immovable property of all values, and leases of such property from year to year, or exceeding one year, or reserving a yearly rental.

3. An authority to adopt a son is also invalid and has no force, unless it is registered. In a country where the practice of adoption is common, this provision of the law is very necessary to prove adoption, and is a protection to the parties against the fraudulent disposition of property.

4. Documents relating to immovable property below 100 Rs., and leases not exceeding one year, are not bound to be registered; but if any document relating to such property, of whatever value, has been duly executed but not registered, and if by any means the property referred to in it is disposed of subsequently by another document which is registered, the claim to the property on the unregistered document cannot be enforced; because the Act declares that registered documents relating to immovable property even under 100 Rs. in value shall take effect against every unregistered document relating to the same property, and also against any oral agreement or declaration, unless accompanied by delivery of possession.

5. Bonds and receipts for money, agreements, powers of attorney, promissory notes, and all documents relating to movable property of whatever value, may or may not be registered; but such transactions between private persons are made more secure by registration for three reasons:—

1st. The execution of the document and other essential facts are verified by the Registering Officer, and cannot afterwards be easily disputed;

2ndly. The law provides that a registered document (wills excepted) relating to any property, movable or immovable, shall take effect against any oral agreement or declaration not accompanied by delivery of possession; and also against any unregistered document relating to the same property, decrees or orders excepted.

3rdly. Under the provisions of the Limitation Act, a claim on a registered document may be enforced at any time within six years, whereas, if not registered, it must be enforced within three years.

6. If any registered document be lost or destroyed through accident, it can be replaced by a certified copy, which may be obtained from the Registering Officer. This is an important advantage of registration, which concerns not only present holders of property but their heirs or other relatives, who will thus have the means of establishing their rights.

7. The means which the registers afford for searching for documents, the existence of which may be doubtful, is a further advantage of registration. It also gives the owners of immovable property the means of satisfying intending purchasers of their rights, as no document subsequently executed in relation to that property can have any force unless it is registered.

8. The Registry and Sub-Registry Offices are also safe depositories for keeping *wills* as well as other documents of value or importance to the owners, in sealed covers, if thought proper, and they may be withdrawn whenever they are wanted on payment of a small fee.

No. 94.

The 22nd June 1874.

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With reference to Section XI of the Revised Survey Guarantee, it is hereby notified for general information that reserved trees the property of Government which are left standing on the introduction of the settlement into a taluk, owing to the existence of shrines or idols underneath them, will not become the property of the occupier of the land on which they are situated, and their felling at any future time is prohibited, without special permission in each case.

No. 95.

The 23rd June 1874.

Colonel T. Clerk delivered over, and Major A. C. Hay assumed, charge of the Ashtagram Division, on the afternoon of the 19th June 1874.

No. 96.

The 23rd June 1874.

Mr. S. B. Krishnaswamaiengar, Assistant Commissioner, is granted three months' leave on medical certificate, with effect from the 1st June 1874.

No. 97.

The 23rd June 1874.

Mr. S. B. Krishnaswamaiengar delivered over, and Mr. W. J. Cunningham received, charge of the 2nd Assistant Commissioner's Office of the Shimoga District, on the afternoon of the 30th May 1874.

No. 98.

The 26th June 1874.

Mr. C. M. D'Souza, Head Writer of the Commissioner's Office, Nagar Division, is appointed to act as 4th Grade Amildar and 3rd Class Magistrate of the Shikarpur Taluk within the meaning of Section 19 of the Criminal Procedure Code, and is vested with the powers conferred by Sections 22 and 23, except the power to commit for trial.

"By Order,"

J. S. F. MACKENZIE,
Offg. Secretary.

From the Under-Secretary to the Government of India, Foreign Department, To the Chief Commissioner of Mysore, No. 115, R, dated 5th June 1874.

1. In acknowledging the receipt of your Officiating Secretary's letter No. 379—11, dated 17th April last, I am directed to state that His Excellency the Viceroy and Governor General in Council confirms the orders issued by you in September 1871, authorizing the Inam Assistants to attach the lands of absent *Inamdars*. His Excellency in Council, however, relies on you that precautions are adopted against a too summary use of the more direct procedure.

GENERAL.—No. 2168—REV. 148, DATED 23RD JUNE 1874.

ORDER THEREON.—Copy of para 1 of the above letter is forwarded to the Inam Commissioner for information and guidance.

2. The Mysore Land Inam Rule XIII and paras 12 and 13 of the Inam Procedure Code, with the necessary alterations made in them as now sanctioned by the Government of India, will be read as follows :—

“When the *inam* has to all intents and purposes been entirely abandoned, there being no acknowledged owner in existence, or, if being in existence, he omits to come forward to claim it, and when the recorded possessor fails after due notice to appear to prove his title, such *inam* will, in the first instance, be placed under attachment by the Assistant Superintendent attached to the Inam Settlement, and after the expiration of one year from the date of the notice will be held to be liable to be fully assessed to the public revenue.”

Abandonment and non-appearance of
Inamdars how to be dealt with.

12. Should any of the *inamdars* neglect to appear either in person or by an authorized agent in compliance with the invitation issued under Rule XIII, a list of such absentees shall be furnished by the Shanbhogs to the Assistant immediately upon his arrival in the taluk, who will thereupon issue individual notices through the Amildar to the absentees, calling upon them to appear in person, or by an authorized agent, with the required information within a period of 15 days, under the penalty provided by Rule 13, *viz.*, the attachment by the Assistant Superintendent of their *inam* lands for default, and the full assessment of the *inam* after the expiration of one year if the default continue. The notice shall be served upon the *inamdar*, or, if his place of residence be not known, upon his representative, or the person in possession of the *inam*, or it shall be posted in the village choultry, or in any other public building, or place in the village in which the *inam* is situated.

13. If the *inamdar* or his agent fail to appear in obedience to this notice, the Assistant will note the same in the register, entering in it all the information that can be obtained regarding the *inam* to enable the Inam Commissioner to dispose of the case. If the information is found to be insufficient for this purpose, the Inam Assistant will attach the *inams* of the absentees, pending their appearance, and submit list of attachment to the Commissioner of the Division, through the Superintendent of Inam Settlements.

J. S. F. MACKENZIE,
Offg. Secretary.

Notifications by the Chief Commissioner of Coorg.

GENERAL.

NOTIFICATIONS.

No. 6.

The 25th June 1874.

Maneyapandra Appaiya, Parpattegar of Yedavnad, in the Province of Coorg, is vested with power to try and determine suits of the kind described in Section 4 of Act XXV of 1868, within the limits of his revenue jurisdiction.

No. 7.

The 25th June 1874.

Itchiti Matchaiya, Parpattegar of Ammattinad, in the Province of Coorg, is vested with the powers of a Magistrate of the 3rd Class, within the meaning of Section 19 of Act X of 1872, and in addition to the powers conferred by Section 22, with powers under Section 23 A, except the power to commit for trial, and the power to issue order to prevent obstruction, &c.

“By Order,”
J. S. F. MACKENZIE,
Offg. Secretary.